

HOUSE BILL 4103
By McDaniel

AN ACT to amend Chapter 131 of the Private Acts of 2004; and any other acts amendatory thereto, relative to the Charter of the city of Lexington.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 131 of the Private Acts of 2004, and any other acts amendatory thereto, is amended by deleting Section 2 (1) and substituting instead the following:

(1) "Alderman" means a person elected to the board as provided in this charter. The term "Alderman" expressly excludes the position of Mayor.

SECTION 2. Chapter 131 of the Private Acts of 2004, and any other acts amendatory thereto, is amended by deleting Section 6 in its entirety and by substituting instead the following:

Section 6. The legislative powers of the city of Lexington shall be vested in and exercised by a Board of Mayor and Aldermen, elected under the provisions of this act, over whose meetings the Mayor shall preside. Any form of board action shall be passed by a majority of the Aldermen present, if there is a quorum. A quorum shall consist of four (4) Aldermen.

The Board of Mayor and Aldermen shall hold regular monthly meetings and hear and take action on ordinances, resolutions and other matters of City business.

The Board of Mayor and Aldermen may appoint, promote, suspend, transfer and remove any officer or employee of the City; or the Board may, in the Board's discretion, authorize the Mayor or head of a department or officer responsible to the Board to take such actions regarding subordinates in such

department or office. The Board shall appoint such heads of administrative offices or organizational units as the Board deems necessary. The Board may combine any such administrative offices herein or otherwise established.

Except as otherwise provided in this charter, the compensation of all officers and employees of the city shall be fixed by the Board within the limits of the appropriations ordinance and in accordance with a comprehensive pay plan adopted by the Board.

SECTION 3. Chapter 131 of the Private Acts of 2004, and any other acts amendatory thereto, is amended by deleting Section 7 in its entirety and by substituting instead the following:

Section 7. On the second Thursday in September beginning in 2005 and on each two (2) year anniversary thereof, a nonpartisan election shall be conducted by the Henderson County Election Commission at the same hours and places for holding general elections and under the general election laws of the state of Tennessee, at which time a Mayor and seven (7) Aldermen shall be elected.

The Mayor and Aldermen shall be elected by popular vote at large.

The candidate for Mayor receiving the highest number of votes shall be declared to be elected. If two (2) or more candidates for Mayor receive the same number of votes, more than any other candidate, the matter shall be referred to the people and another election for Mayor shall be opened and held in said City as soon thereafter as is practicable.

The seven (7) candidates for Alderman receiving the highest number of votes shall be declared to be elected. If two (2) or more candidates for Alderman receive the same number of votes, more than any other candidate, then the Mayor and Aldermen elected, between whom there is no tie, shall elect one of the two candidates by a majority vote at their first meeting. The Mayor shall be allowed a vote only to settle a tie between two (2) Alderman candidates.

SECTION 4. Chapter 131 of the Private Acts of 2004, and any other acts amendatory thereto, is amended by deleting Section 8 and substituting instead the following:

Section 8. Each candidate must be an elector who has reached the age of twenty-one (21) years prior to the date of the election. Candidates for Mayor and Alderman shall have resided within the municipality for at least one (1) year next preceding the date of the election. One-year residence within any area annexed in a year preceding an election shall be counted in meeting the residence requirement of this section. All candidates shall provide proof of eligibility and enter nominating petitions as required by the Henderson County Election Commission. No person shall become a candidate for Mayor or Alderman who has been convicted in the ten (10) years preceding the date of the election of malfeasance in office, bribery, or other corrupt practice, a felony, a crime involving moral turpitude, or of violating any of the provisions of 6-20-108 in reference to elections. Any Mayor or Alderman so convicted shall forfeit such office. An employee of any division or department of the city of Lexington shall not be qualified to run for an elected office of the city of Lexington.

SECTION 5. Chapter 131 of the Private Acts of 2004, and any other acts amendatory thereto, is amended by deleting Section 9 in its entirety and by substituting instead the following:

Section 9. The Mayor and Aldermen, before entering upon their duties, shall take an oath that they will support the Constitution of the State of Tennessee and the ordinances of the city of Lexington, and honestly and faithfully discharge the duties of their office without partiality, favor or affection.

The beginning of the term of the Mayor and Aldermen shall be the first Monday in October next after their election and shall end on the first Monday in October following the next election, at which time they will relinquish the affairs of the City to the newly elected Board of Mayor and Aldermen. On this first Monday, they shall organize and shall hold their offices as herein provided and until their successors shall have been elected and qualified. Any vacancies occurring either of the Mayor or the Aldermen, whether by death, resignation or

otherwise, shall be filled by the remaining members of the Board. In the event the Mayor or Alderman should move from the municipality during their term of office, their position shall be presumed to have been vacated, and it shall be declared vacant and filled by the remaining members of the Board.

The Board shall meet regularly once every month at a time and place prescribed by ordinance. Whenever, in the opinion of the Mayor or three (3) Alderman, the welfare of the City requires it, the Mayor or the Recorder shall call, and it shall be their respective duties to do so, special meetings of the Board of Mayor and Aldermen upon adequate written or other proper notice to each Aldermen, the Mayor and Recorder, served personally or left at their usual place of residence. Informal meetings of the Board may be held for the purpose of receiving information, exchanging ideas and conducting investigations. The Board shall exercise its powers only in public meetings.

The salary and compensation for the office of Mayor and for Board members shall be set by the Board in the budget ordinance adopted for the year in which the election is to be held and shall take effect with the term of office next after said election, and shall remain constant throughout said term. The compensation paid to the Mayor shall not exceed that compensation which is paid to the position of the Henderson County Executive/Mayor and shall not be diminished during the Mayor's term of office.

SECTION 6. Chapter 131 of the Private Acts of 2004, and any other acts amendatory thereto, is amended by adding the following paragraph to Section 10:

The Mayor shall serve as a member of all boards and committees created by the Board of Mayor and Aldermen but shall not have a vote. The Mayor shall have a voice, but shall not have a vote at meetings of the Board of Mayor and Aldermen or at any board or committee meeting created by the Board of Mayor and Aldermen.

SECTION 7. Chapter 131 of the Private Acts of 2004, and any other acts amendatory thereto, is amended by adding the following sentence at the end of Section 11:

The Vice-Mayor shall have a voice and a vote when serving as Mayor.

SECTION 8. Chapter 131 of the Private Acts of 2004, and any other acts amendatory thereto, is amended by deleting Section 12 in its entirety and by substituting instead the following:

Section 12. City Judge - Jurisdiction - Appointment - Qualifications and compensations. There shall be a city court presided over by a city judge appointed by the board. The city judge shall have the qualifications, term of office, if any, and receive the compensation the board may provide by ordinance. The board may, subject to an agreement by the general sessions court judge of Henderson County, appoint such general sessions court judge as city judge.

In the absence or disability of the city judge, the mayor may designate a qualified person to serve as city judge or may, subject to an agreement by the general sessions court judge of Henderson County, designate such general sessions court judge to be acting city judge until one can be appointed at the next regularly scheduled meeting of the board, or as otherwise provided by ordinance.

The city judge may impose fines, costs and forfeitures, and punish by fine for violation of city ordinances. The judge may preserve and enforce order in the court and enforce the collection of all fines, costs and forfeitures imposed.

SECTION 9. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the city of Lexington. Its approval or nonapproval shall be proclaimed by the presiding officer of the city of Lexington and certified to the secretary of state.

SECTION 10. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 9.